

**Rule Summary and Fiscal Analysis (Part A)****Department of Health**

Agency Name

Division

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**3701-84-02**

Rule Number

**AMENDMENT**

TYPE of rule filing

Rule Title/Tag Line

**Applicability of rules.****RULE SUMMARY**1. Is the rule being filed for five year review (FYR)? **Yes**2. Are you proposing this rule as a result of recent legislation? **No**3. Statute prescribing the procedure in accordance with the agency is required to adopt the rule: **119.03**4. Statute(s) authorizing agency to adopt the rule: **3702.11**5. Statute(s) the rule, as filed, amplifies or implements: **3702.12, 3702.13, 3702.14, 3702.141, 3702.15, 3702.16, 3702.18, 3702.19, 3702.20**

6. State the reason(s) for proposing (i.e., why are you filing,) this rule:

The five-year review of Chapter 3701-84 of the Ohio Administrative Code is due to be completed by May 1, 2017. The Ohio Department of Health is proposing amendments to rule 3701-84-02.

7. If the rule is an AMENDMENT, then summarize the changes and the content of the proposed rule; If the rule type is RESCISSION, NEW or NO CHANGE,

then summarize the content of the rule:

This rule delineates the service types under the authority of the Chapter and has been revised to update the reference to the adult cardiac catheterization rule set, up to rule 3701-84-34.2. Also, the "annual" review requirement in paragraph (B) has been changed to periodic review to accommodate the statutory five-year review and based on need, such as consultation with the industry or changes in technology.

8. If the rule incorporates a text or other material by reference and the agency claims the incorporation by reference is exempt from compliance with sections 121.71 to 121.74 of the Revised Code because the text or other material is **generally available** to persons who reasonably can be expected to be affected by the rule, provide an explanation of how the text or other material is generally available to those persons:

This rule references the Ohio Administrative Code. The O.A.C. is generally available in libraries and on the internet to people who reasonably can be expected to be affected by the rule.

9. If the rule incorporates a text or other material by reference, and it was **infeasible** for the agency to file the text or other material electronically, provide an explanation of why filing the text or other material electronically was infeasible:

Pursuant to R.C. 121.76, the cited material is exempt from inclusion in this filing.

10. If the rule is being **rescinded** and incorporates a text or other material by reference, and it was **infeasible** for the agency to file the text or other material, provide an explanation of why filing the text or other material was infeasible:

*Not Applicable.*

11. If **revising** or **refiling** this rule, identify changes made from the previously filed version of this rule; if none, please state so. If applicable, indicate each specific paragraph of the rule that has been modified:

*Not Applicable.*

12. Five Year Review (FYR) Date: **2/27/2017**

(If the rule is not exempt and you answered NO to question No. 1, provide the scheduled review date. If you answered YES to No. 1, the review date for this

rule is the filing date.)

NOTE: If the rule is not exempt at the time of final filing, two dates are required: the current review date plus a date not to exceed 5 years from the effective date for Amended rules or a date not to exceed 5 years from the review date for No Change rules.

### **FISCAL ANALYSIS**

13. Estimate the total amount by which *this proposed rule* would **increase / decrease** either **revenues / expenditures** for the agency during the current biennium (in dollars): Explain the net impact of the proposed changes to the budget of your agency/department.

This will have no impact on revenues or expenditures.

\$0.00

No new costs

14. Identify the appropriation (by line item etc.) that authorizes each expenditure necessitated by the proposed rule:

No new costs

15. Provide a summary of the estimated cost of compliance with the rule to all directly affected persons. When appropriate, please include the source for your information/estimated costs, e.g. industry, CFR, internal/agency:

Not applicable

16. Does this rule have a fiscal effect on school districts, counties, townships, or municipal corporations? **No**

17. Does this rule deal with environmental protection or contain a component dealing with environmental protection as defined in R. C. 121.39? **No**

### **S.B. 2 (129th General Assembly) Questions**

18. Has this rule been filed with the Common Sense Initiative Office pursuant to R.C. 121.82? **Yes**

19. Specific to this rule, answer the following:

A.) Does this rule require a license, permit, or any other prior authorization to engage in or operate a line of business? **Yes**

The rule requires compliance with the general and specific HCS standards, including rule 3701-84-04 which requires service notification. Although there is no formal licensing or permit issuance for Health Care Services (HCS), HCS providers must submit notification to the Director at least thirty (30) days prior to initiating a new HCS or reactivating a discontinued or temporarily suspended HCS. Additionally, an HCS must submit an accreditation award letter, prepared by an entity that the Director has determined as having standards and a process for assessing compliance for a particular type of HCS that documents compliance with the entity's standards.

B.) Does this rule impose a criminal penalty, a civil penalty, or another sanction, or create a cause of action, for failure to comply with its terms? **No**

The rule requires compliance with the general and specific HCS standards, including rule 3701-84-05 which authorizes the imposition of civil penalties.

C.) Does this rule require specific expenditures or the report of information as a condition of compliance? **No**